



PATENT  
ATTORNEY DOCKET NO.: DIVER1280-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Short and Keller Art Unit: 1636  
Application No.: 09/848,095 Examiner: Bronwen Loeb  
Filed: May 3, 2001  
Title: HIGH THROUGHPUT SCREENING FOR  
NOVEL ENZYMES

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TRANSMITTAL SHEET

Sir:

Transmitted herewith in Response to the Final Office Action mailed November 19, 2002 and the Advisory action mailed May 9, 2003, for the above-identified application, please find:

1. Request for Continued Examination (RCE) Transmittal (1 page);
2. Petition for Three (3) Months Extension of Time (2 pages);
3. Preliminary Amendment (9 pages);
4. Check No. 536908 in the amount of \$635.00; and
5. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, MAY 19, 2003, in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Cecilia Tobin (Name of Person Mailing Paper)
<i>Cecilia Tobin</i> (Signature)

Applicants: Short and Keller  
Application No.: 09/848,095  
Filed: May 3, 2001  
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Further in response to the Final Office Action mailed August 19, 2002 and the Advisory action mailed May 9, 2003, entry of the enclosed Request for Continued Examination (RCE) and Preliminary Amendment is respectfully requested in this RCE.

Applicants claim **SMALL ENTITY status** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	44	53	0	x \$18	x \$09	\$ .00
Independent Claims	2	3	0	x \$84	x \$42	\$ .00
Multiple Claims				\$280	\$140	\$ .00
Basic Filing Fee				\$740	\$370	\$ .00
					TOTAL FEE	\$ .00

Enclosed is Check No. 536908 in the total amount of \$635.00; which consists of \$375.00 for the Request for Continued Examination (RCE) filing fee and \$260.00 for the Three (3) Month Extension of Time Fee (\$465.00 minus \$205.00 previously paid with the Response to Final Office filed on April 17, 2003, equals to \$260.00). The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
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Date: May 19, 2003

**USPTO CUSTOMER NUMBER 28213**  
**GRAY CARY WARE & FREIDENRICH LLP**  
4365 Executive Drive, Suite 1100  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/848,095 #18
Filing Date	May 3, 2001
Examiner Name	Bronwen Loeb
First Named Inventor	Jay M. Short
Group Art Unit	1636
Attorney Docket Number	DIVER1280-10

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
- ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- ☐ Amendment/Reply
  - ☐ Affidavit(s)/Declaration(s)
  - ☐ Information Disclosure Statement (IDS)
  - ☒ Other: Preliminary Amendment (9 pages)

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other: Petition for Three (3) Months Extension of Time (2 pages) and Return Receipt Postcard.

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any underpayments, or credit any overpayments, to Deposit Account No. 50-1355. Applicants claim **SMALL ENTITY status** in the above-identified application.
- ☒ RCE fee required under 37 C.F.R. § 1.17(e) - **\$260.00**
  - ☒ Extension of time fee (37 C.F.R. §§1.136 and 1.17) - **\$375.00** (\$465.00 minus \$205 previously paid with Response to Final Office filed on 4/17/03, equals \$260.00)
  - ☐ Other: \_\_\_\_\_
- b. ☒ Check No. 536908 in the amount of **\$635.00** enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Lisa A. Haile, J.D., Ph.D.	Registration No. (Attorney/Agent)	38,347
Signature		Date	May 19, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on May 19, 2003:

Name (Print/Type)	Cecilia Tobin	Date	May 19, 2003
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.